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Matti Puputti

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EXAMINER

CHOWDHURY, SUMAIYA A

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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/989,301  
Filing Date: November 19, 2001  
Appellant(s): PUPUTTI, MATTI

\_\_\_\_\_  
Phouphanomketh Ditthavong  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 7/23/10 appealing from the Office action mailed 8/3/09.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

**(5) Summary of Claimed Subject Matter**

The examiner has no comment on the summary of claimed subject matter contained in the brief.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

**(7) Claims Appendix**

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

**(8) Evidence Relied Upon**

6741288	KESSLER	5-2004
2002/0147769	LEVITAN	10-2002

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 57-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kessler (6741288) in view of Levitan (2002/0147769).

As for claims 57, 62, 67, and 72, Kessler discloses an apparatus, comprising:

A transmitter, wherein the transmitter is configured to:

Transmit a network information table (PSIP, MPEG), wherein the network information table contains a linkage to a control channel (An PSIP (Program Specific and Information Protocol) table includes an EIT (Event Information Table), and an EIT contains various PSI (Program Specific Information) regarding programs.

Further, PSI includes **NIT** (Network Information Table), **PAT** (Program Association

Table), and **PMT** (Program Map Table). The NIT is linked to the PIT and PMT since they are part of the same PSI. Kessler teaches transmitting the PSIP table. col. 1, lines 35-65, col. 5, lines 37-52); and

Transmit the control channel (PAT/PMT), wherein the control channel contains access information corresponding to one or more services (The Examiner interprets the PAT/PMT to be the control channel, as the PAT/PMT contains access information corresponding to services as Applicant has claimed. Col. 6, lines 22-33, col. 8, lines 25-67).

However, Kessler fails to explicitly disclose wherein the services are internet protocol based services.

In an analogous art, Levitan discloses wherein a service is an Internet Protocol-based service – [0021] and [0023].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify Kessler's invention to include the above mentioned limitation, as taught by Levitan, for the advantage of using the well-known standard that enables information exchange between computers, independent of the type/model of the computer.

As for claims 58, 63, 68, and 73, Kessler discloses wherein the access information comprises network address information (Col. 6, lines 22-33, col. 8, lines 25-67).

As for claims 59, 64, 69, and 74, Kessler discloses wherein the control channel is transmitted via a transport stream (Col. 6, lines 22-33, col. 8, lines 25-67).

As for claims 60, 65, 70, and 75, Kessler discloses wherein the control channel contains access information corresponding to one or more services of the transport stream (Col. 6, lines 22-33, col. 8, lines 25-67). Levitan discloses internet protocol based services ([0021] and [0023]).

As for claims 61, 66, 71, and 76, Kessler discloses wherein the control channel is transmitted via a program specific information layer of a transport stream (col. 1, lines 40-50, col. 5, lines 7-15).

## **(10) Response to Argument**

### **Introduction**

Kessler teaches a system for building and maintaining a database in a digital receiver at a client end. The information to create the database at the digital receiver is received in MPEG and PSIP tables which carry control data which are broadcasted to the client receivers. The tables are used to facilitate creating, updating, and deleting the database (Abstract). No interaction is required on the part of the client receivers. The MPEG tables comprise the Program Association Table (PAT) and the Program Mapping Table (PMT) [col. 1, lines 35-40]. It is well-known in the art that the PSIP table also comprises various tables among them is included a Network Information Table (NIT).

The NIT table is linked to the PAT and PMT tables. Both the PSIP and MPEG tables are transmitted and merged at the client receiver. The tables contain information which allows the client receiver to tune to a channel correctly.

Levitan discloses providing Internet content in a broadcast manner while minimizing two-way addressable interaction between server and client computers ([0011]). The server supplies client computers with a timetable of the broadcast transmission so they can automatically control channel selectors (tuner cards) for downloading requested files from TV channels ([0015]). When the user submits a request for Internet content such as web pages, the timetable processor 26 obtains a broadcast timetable from the receiver 21. If a requested file is listed in the broadcast timetable the request manager determines its transmission time and channel and passes the data to a reception control 27. If the requested file is not listed in the broadcast timetable, the request manager sends a request for that file to the server, waits for a new version of the broadcast timetable in which the file is listed, and then passes time/channel data of that file to the reception control. The reception control is coupled with the channel selector 22 to provide downloading of the requested file at the time and from the channel of its transmission ([0030]).

#### **Rejection of Claims in view of Combined References**

Appellant argues "...Kessler provide information about terrestrial broadcast and cable broadcast streams. This is in stark contrast to the claimed network information table (NIT), which includes tuning information for accessing Internet protocol based service, rather than broadcast services with which Kessler is concerned. Kessler is devoid of any teaching of Internet protocol based services".

Kessler teaches tables are broadcasted with mapping information which a receiver receives and uses to tune to broadcasting. In particular, MPEG and PSIP tables are transmitted to the receiver. The MPEG tables comprise the Program Association Table (PAT) [col. 1, lines 35-40]. It is well-known in the art that the PSIP table also comprises various tables, among them a Network Information Table (NIT), and that an NIT table is linked to a PAT table. Both the PSIP and MPEG tables are transmitted and merged at the client receiver. The tables contain information which allows the client receiver to tune to a channel correctly. Levitan discloses providing Internet content in a broadcast manner while minimizing two-way addressable interaction between server and client computers ([0011]). The server supplies client computers with a timetable of the broadcast transmission so they can automatically control channel selectors (tuner cards) to tune to requested files from TV channels. Levitan uses the same type of access of tuning to TV channels as Levitan. Hence, it would have been obvious to combine the two references in order to produce a system in which access information corresponding to internet protocol based services is provided.

Appellant argues "the claimed feature of a "linkage to a control channel" is not taught by the applied references. The linkage disclosed by Kessler, the reference



allegedly disclosing the claimed feature, only enables control module 18 to acquire control structure 46 from memory 26 to enable demultiplexer 16 to receive the desired broadcast program, while ignoring other received programs”.

The first limitation in claim 57 recites “transmitting a network information table, wherein the network information table contains a linkage to a control channel”. Kessler discloses transmitting a PSIP and an MPEG table to the receiver. The PSIP table includes a network information table (NIT). Hence, Kessler teaches the aspect of transmitting an NIT table by transmitting a PSIP. The MPEG table transmitted includes a Program Association Table (PAT) [col. 5, lines 47-52]. The network information table contains a linkage to the PAT (control channel). In claim 57, the Appellant describes the control channel as containing access information corresponding to services and as being linked to the network information table. The PAT is linked to the network information table and does contain access information corresponding to services. The PAT lists all programs available in the transport stream. Each of the programs listed in the PAT has an associated value of PID for its PMT. The PID value specifies the PID for where to look for NIT. Hence, contrary to Appellant’s assertion, Kessler certainly discloses a “linkage to a control channel”.

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner’s answer.

Art Unit: 2421

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Sumaiya A Chowdhury/

Examiner, Art Unit 2421

Conferees:

/John W. Miller/

Supervisory Patent Examiner, Art Unit 2421

/Christopher Kelley/

Supervisory Patent Examiner, Art Unit 2424